

ATTACHMENT B

NPS RESPONSES TO PUBLIC COMMENTS AND ERRATA
For The
EXIT GLACIER AREA PLAN / EA and GMP AMENDMENT

In response to the Exit Glacier Area Plan, the NPS received 33 comment letters/statements. Described below are the substantive comments and the NPS responses. The comments include the initials of the parties making the comment (the names and initials of commenters are found at the end of this document).

WINTER ACTIVITIES

Comment 1.

Unlike ANILCA 1110(a), the nationally applicable regulation at 36 CFR 2.18 (c) authorized the use of snowmachines for recreational travel on designated routes and waterways. The correct regulatory authority to allow recreational snowmachine use on the park road is through 36 CFR 2.18(c). (ACE, NPCA, TWS)

The modified preferred alternative calls for promulgation of a special regulation to designate the road for snowmachine use.

Comment 2.

The Seward community and the winter visitor numbers that currently access the Park would not support winter interpretive activities on a frequent basis as described in the preferred alternative. A monthly program would suffice and may represent a decreased cost of the alternative by decreasing the need for staffing. (SC)

An actual schedule for winter interpretive activities has not yet been decided. A monthly program may indeed suffice, or more frequent programs may be scheduled if demand increases.

Comment 3.

“I am concerned about allowing motorized use of the Paradise Valley trail. If motorized use was limited to the road, it becomes a very clear black and white policy. Enforcement, not to mention visitor understanding of the regulations is more difficult when there are exceptions to the rules. I would suggest making the Paradise Valley trail non-motorized along with the surrounding areas.” (SC)

During the winter season, the original preferred alternative will be implemented only for the Visitor Facilities and Pedestrian zones as described in the EA; the NPS will not take the actions related to winter management within the remainder of the study area. (see description in the modified preferred alternative). No decisions about types of use in this area will be made until additional winter data is collected.

Comment 4.

The plan says others would find similar areas in which to ride their machine outside of the study area. Where is that similar area that you can go to teach someone how to ride easily? (PI)

Snowmachiners may learn how to ride on the road, both inside and outside the study area.

Comment 5.

If snowmachine use is not allowed on the outwash plain, riders will be pushed into the alders. The result will be damage to the alders and disturbance of moose that use the alders. (PI)

Most riders voluntarily choose not to use vegetated areas due to risk of damage to their snowmachines, the illegality of causing damage to vegetation, and /or the risk of encounters with wildlife. Given the options for continued riding in the areas listed, it is unlikely that a significant amount of snowmachine use will be displaced into the alders.

Comment 6.

“If safety of groups on the Exit Glacier trail were a concern I would recommend using an alternate trail or constructing a new winter access route to Exit Glacier and the Exit Glacier outwash plain. This trail could connect from the road through the existing campground to the outwash plain. This would separate potential pedestrians from motorized users in this area.” (PI)

The modified preferred alternative plans to designate a commonly used route from the campground to Exit Creek. Safety for all user groups is a concern on the outwash plain as well as on the trail.

Comment 7.

“So what I’d suggest and like you to consider is somewhere, like maybe in the campground area which now is a traditional access to the Exit Creek area, is have a narrow corridor, just like the road, 10 feet wide or however you want to make it through the campground out on to the Exit Creek area, so that we can access Exit Creek, come back down because it is possible to get around through the woods and through that area early in the winter when there is adequate snowfall, 18-20 inches of snow on the ground and we can access the Paradise Valley.” (PI)

The modified preferred alternative plans to designate a commonly used route from the campground to Exit Creek.

Comment 8.

Extend the snowmachine closure to the entire area. (PI)

See response to Comment 3.

Comment 9.

As for requiring 4 stroke, great goal, but go really really slow. A four-stroke sled suitable for a kid is a long time and a lot of dollars away. And there just aren't nearly enough users to constitute such a measure. If it looks like the NPS is using 4 stroke requirements as an all-around ban, there will be a lot opposition to that, too. (PI)

The plan does not state that 4-stroke engines on snowmachines would be required. Technology requirements, such as a 4-stroke engine, is one of the tools that could be used to manage access as necessary to achieve desired zone conditions.

Comment 10.

We need more access such as a non-motorized trail up the south side of Resurrection River. (PI)

This proposed action is outside the scope of the Exit Glacier study area.

Comment 11.

Let only the quiet snowmachines into the Exit Glacier area. (PI)

Existing regulations (36 CFR 2.18(d)(1)) prohibit the operation of snowmachines that make excessive noise. Technology requirements, such as a 4-stroke engine, are tools that could be used to manage access to achieve desired zone conditions.

DEFINITION OF “TRADITIONAL ACTIVITIES”

Comment 12.

The Alaska National Interest Lands Conservation Act (ANILCA) does allow snowmachines in national parks for access to "traditional activities" but not for recreation. Title XI provides for transportation to a traditional activity or village or homesite. The snowmachine, motorboat, or airplane is the transportation; it is not the activity in and of itself. Just as a motorboat cannot be used for waterskiing, a snowmachine cannot be used for recreation. At Exit Glacier there are no true traditional activities that we are aware of. Neither sport hunting nor subsistence hunting is allowed. There is no ice fishing. There are no traplines. Berry picking does not occur in winter and there are no villages or homesites. “Jumping snowcovered glacial moraines” (Exit Glacier Plan, p. 83) and other recreational uses is not a traditional activity. Therefore, the current use of snowmachines is illegal at Exit Glacier. By not defining traditional activities Kenai Fjords is perpetuating a park service wide avoidance of clarifying this provision of ANILCA and is essentially allowing all types of snowmachining including recreation. Kenai Fjords should recognize ANILCA's congressional intent and adopt a clear definition of traditional activities. Until a definition is in place, it is totally unclear what snowmachine usage is allowed. In the absence of a definition, it would appear that the park is considering recreational snowmachining to be a traditional activity. (ACE, AQRC, NPCA, TWS, PI)

Since the term “traditional activities” has not been defined for Kenai Fjords National Park, we have not determined what if any activities are traditional. NPS will define the term in the future after additional data is gathered.

Comment 13.

The definition of “traditional activities” adopted for snowmachine use in the Old Park of Denali should be adopted for Kenai Fjords during the upcoming backcountry management planning process. The Park Service stated that it intended to apply the Denali definition to other parks. In the current EA, the Park Service is deviating from this planned approach. (TWS)

See response to Comment 12.

RESOURCE IMPACTS

Comment 14:

“A 1999 Summary Report on the Alaska Moose Fecal Glucocorticoid Project which analyzed stress hormones from moose fecal samples in areas with or without frequent snowmachine use demonstrates that moose in high snowmachine use areas experience significantly greater physiologic stress, on average, than moose in areas of low snowmachine use. Winter motorized use could well be a factor in the decline of the Kenai Peninsula moose population, given that snowmachines may cause displacement and create other stress factors for moose in winter. The EA fails to provide a substantive and conclusive analysis of impacts from motorized recreation on moose populations.” (TWS)

NPS disagrees that we failed to provide substantive and conclusive analysis of impacts to wildlife. We discussed potential impacts and explained why they would constitute a moderate impact. The study cited in the comment is similar to those cited in the impact analyses (see last paragraph on p.132 in the EA).

Comment 15.

“Possibly set aside a corridor of non-motorized use for wildlife to travel between habitats. Paradise Valley would be a known travel corridor for local wildlife and a logical choice.” (EKPEAA)

See response to Comment 3.

Comment 16:

“While we are pleased the Park Service acknowledges its responsibility to preserve the wilderness character of the suitable wilderness within the planning area, we believe science and public opinion support our conclusion that dispersed recreational snowmachine use impairs wilderness values and therefore violates Park Service law and policy.” (TWS)

Temporary activities, such as snowmachine use, will not affect wilderness suitability.

Comment 17:

“The suggested management tools and protocol outlined on page 21 of the EA tailor management in response to impacts. The Park Service is empowered by the strongest conservation legislation and management regulations existing in the Nation and the world, yet the management tools in the EA are only triggered when impairment surpasses desired future conditions. Only after impairment has occurred are managers instructed to use the “least restrictive” mechanism or tool. This course is not only questionable under the law, but TWS feels that it is poor public policy. TWS continues to urge the Park Service to act proactively to prevent damage to park resources, consistent with Organic Act mandates and NPS Management Policies.” (TWS)

The plan does not state that NPS will wait for impairment, or even impacts, to occur prior to using the management tools. The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. As stated throughout the Environmental Consequences chapter of the EA in the conclusion sections of each impact topic, none of the actions proposed would result in an impairment of park resources. The long-term monitoring of natural and social indicators will help insure that desired conditions are met. Standards for each indicator will be established that, when maintained, will ensure the perpetuation of acceptable conditions. Step 9 of the VERP process calls for taking management action if standards are deteriorating or have been violated (see page 5 of the EA). Through this process, NPS will be managing the Exit Glacier area proactively rather than reactively.

MANAGEMENT ZONES

Comment 18:

“The Plan indicates that zones and the proposed carrying capacity study will not be applied to the whole park—It will occur only in the most visited area of the park, approximately 10,000 acres (pages 4-5). We request clarifying this fact in the *Summary* and wherever other references to zones convey a meaning of potential limitation. This intensive management tool, as currently described, would not be appropriate in the remainder of this park.” (AK)

*As this comment notes, the plan indicates that zones and the carrying capacity study apply only to the Exit Glacier area. The first sentence of the **Summary** states that this plan will “provide guidance on the management of the Exit Glacier area of Kenai Fjords National Park”.*

Comment 19:

“The following phrase is not reflective of ANILCA intent: “*in winter, it (motorized use) is allowed for traditional activities as long as zone conditions are met.*” The “zone conditions” listed are the descriptive conditions (social conditions, natural resource conditions, visitor use, facilities and development, and management activities) for each

management zone. In order to be effective, the plan must provide information on the monitoring program, and specify indicators and standards to determine whether snowmachine uses are exceeding the proposed zone conditions. The 43 CFR 36 regulations implementing ANILCA's access protections provide a process for limiting snowmachine use. Permanent (annual) limits cannot be implemented unless the Service provides a finding of detriment to resource values and formal rulemaking." (AK)

The language referenced in this comment was part of zones that are no longer being applied in winter (see modified preferred alternative). We agree that development of a monitoring program including indicators and standards is necessary; however, the development of a monitoring program and indicators and standards is beyond the scope of this planning process. NPS fully intends to follow all laws, including those for closure of areas to the use of snowmachines for traditional activities. As the plan indicates on page 5, the process of developing indicators and standards will consider public involvement.

Comment 20:

Application of the "Zone Allocation" (page 35) in the preferred alternative to the majority of the 10,000 acre study area appears to involve the potential to limit snowmachines in the future. Without additional information, this intent has three fundamental problems: (1) Monitoring information does not show that the number of snowmachine users "is inconsistent with the desired conditions" in the affected zone. (2) "Desired conditions" is not defined. (3) Closures and limitations must be consistent with the previously referenced 43 CFR 36 regulations." (AK)

The language referenced in this comment was part of zones that are no longer being applied in winter (see modified preferred alternative). Desired conditions are generally defined in the EA on page 19 and specifically for each zone on pages 22 to 27, and summarized in the table on pages 28 and 29. Also see response to Comment 19.

OTHER

Comment 21:

"Some sections, however, are inconsistent with this management intent, for example the *Summary* discussion of the *preferred alternative* (page iii), the *Introduction* (pages 20-21) and the *Concept* discussion (page 32). These statements may cause readers to incorrectly interpret the Service's goal is to increase non-motorized recreational opportunities at the expense of motorized activities. We request the final plan clarify our understanding that improved safety and opportunities for increasing use in the developed area necessitates a small area closure to motorized use (150 acres) with minimal impact on the legitimate and popular motorized uses that occur throughout the undeveloped areas of the park (607,805 acres). The inappropriate wording, e.g., "to provide for additional non-motorized recreational opportunities," is inconsistent with ANILCA protections of motorized access." (AK)

It is not the goal of the NPS to increase non-motorized opportunities at the expense of motorized use within the Exit Glacier study area. The plan does not state that additional non-motorized opportunities would limit motorized opportunities, and we do not believe that readers would interpret it as such. To provide for additional non-motorized recreation is not inconsistent with ANILCA. This plan does not address the remainder of Kenai Fjords National Park.

Comment 22:

“The “management constraints” listed on page 7 need to be modified to explain that their application is modified by ANILCA. The State of Alaska’s review of these national policies noted many significant inconsistencies with statutory direction in ANILCA; but the final 2001 Policies were not clarified; thereby leaving federal managers in Alaska with insufficient or conflicting guidance. The Policies cannot supercede statute; thus, the Plan needs to be corrected to reflect that appropriate ANILCA guidance supercedes national policies.” For example, the first bullet states that “actions would not be taken that would affect wilderness character” of the area found suitable for wilderness designation. This is inconsistent with ANILCA section 1317(c) that directs areas to be managed consistent with the ANILCA provisions, not the Wilderness Act, until Congress takes action.” (AK)

NPS recognizes the State’s concerns and agrees that policies cannot supersede statute; however, we do not believe that our statements imply otherwise.

Comment 23:

“We are very concerned about the “Existing Regulations” listed under bicycles on page 55 of the plan stating bicycles are allowed as “non-motorized surface transportation for traditional activities”. This is an error that needs to be corrected. There is nothing in ANILCA or 43 CFR 36.11(e) that implies non-motorized surface transportation includes bicycles. The regulation states it is for non-motorized surface transportation “such as domestic dogs, horses and other pack or saddle animals.” It is clear the intent is animals, not mechanized transport such as bicycles.” (ACE, NPCA)

The referenced statement has been deleted.

Comment 24:

“Under NEPA, the Park Service is required to analyze a full range of reasonable alternatives. With respect to motorized uses, the EA fails to satisfy this standard. All of the action alternatives allow for motorized use on the planning area even though the public expressed interest in a non-motorized alternative during the scoping phase. In order to analyze a full range of alternatives, the Park Service must consider an entirely non-motorized alternative. The explanation found on pages 49-50 of the EA does not provide a substantive explanation in support of the Park Service’s decision to ignore this alternative.” (TWS)

The National Park Service evaluated a full spectrum of reasonable alternatives in the EA by fully analyzing four alternatives, including the no action. The suggested non-motorized alternative was an alternative action considered but not analyzed further for

the reasons stated on page 49 of the EA, “Return the area to the way it was before vehicle bridge was constructed.” A non-motorized alternative would not meet plan objectives.

Comment 25.

“Please consider an alternative to current access with all users utilizing the same roadway (possible speed limitations to increase safety of all).” (EKPEAA)

There is already a speed limit on the road and the modified preferred alternative proposes a bike path that will parallel the road.

LIST OF COMMENTERS

AGENCY LETTERS

(With Substantive Comments)

1. State of Alaska (AK)

ORGANIZATION LETTERS

(With Substantive Comments)

1. Alaska Center for the Environment (ACE)
2. Alaska Quiet Rights Coalition (AQRC)
3. Eastern Kenai Peninsula Environmental Action Association (EKPEAA)
4. National Parks and Conservation Association (NPCA)
5. The Wilderness Society (TWS)
6. The Sierra Club (SC)

INDIVIDUAL COMMENT LETTERS (12 received)

(With Substantive Comments)

Private Individuals (PI)

INDIVIDUAL COMMENT LETTERS (14 received)

(Without Substantive Comments)